**THE HON'BLE DR. JUSTICE G. YETHIRAJULU**

**WRIT PETITION No.17185 of 2004**

Date: 17.12.2007

Between:

M/s Sri Lakshmi Prasanna Ice & Cold Storage,
Narasimhapuram, Bheemavaram Mandal, West Godavari District.

..PETITIONER

And

The Transmission Corporation of Andhra Pradesh Limited,
Hyderabad, and others.

..RESPONDENTS

**THE HON'BLE DR. JUSTICE G. YETHIRAJULU**

**WRIT PETITION No.17185 of 2004**

**O R D E R**:

This is a writ petition filed by the petitioner to declare the action of the respondents in not terminating the petitioner's L.T. agreement with effect from 12.02.2004 as illegal, arbitrary, unjust and contrary to Condition No.26.7 of the terms and conditions of supply of the electricity.

The respondents filed a counter-affidavit mentioning that in pursuance of the notice issued by the petitioner on 13.01.2004, the petitioner's agreement was terminated with effect from 25.04.2004. The learned counsel for the respondents submitted that in view of the termination order passed by the respondents, the writ petition becomes infructuous and no cause of action survives.

In the light of the categorical mention made by the respondents in the counter-affidavit, no cause of action survives.

Admittedly the respondents ought to have passed orders on 13.02.2004 terminating the petitioner's agreement in pursuance of the notice issued by the petitioner on 13.01.2004.

The writ petition is accordingly dismissed as having become infructuous. However, the petitioner is at liberty to take further steps according to law for refund of the consumption deposit from the respondents. It is observed that the respondents are not entitled to collect the minimum charges from the petitioner from 13.02.2004 till the

date of the order of termination i.e., 25.04.2004. No costs.

**Dr.G. YETHIRAJULU, J**

December 17, 2007

GHN